

112TH CONGRESS  
1ST SESSION

# H. R. 1466

To resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mr. SABLAN (for himself, Mrs. CHRISTENSEN, and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. PURPOSE.**

4       The purpose of this Act is to provide to certain per-  
5       sons residing in the Commonwealth of the Northern Mar-  
6       iana Islands a status applicable solely within the Common-

1 wealth in order to allow such persons to remain lawfully  
 2 in the Commonwealth.

3 **SEC. 2. TECHNICAL AND CLARIFYING AMENDMENTS RE-**  
 4 **LATED TO REFORM IN THE COMMONWEALTH**  
 5 **OF THE NORTHERN MARIANA ISLANDS.**

6 Section (6)(e) of the Joint Resolution entitled “A  
 7 Joint Resolution to approve the ‘Covenant to Establish a  
 8 Commonwealth of the Northern Mariana Islands in Polit-  
 9 ical Union with the United States of America’, and for  
 10 other purposes”, approved March 24, 1976 (48 U.S.C.  
 11 1806(e)), as added by section 702 of the Consolidated  
 12 Natural Resources Act of 2008 (Public Law 110–229;  
 13 1222 Stat. 854), is amended by inserting after paragraph  
 14 (5) the following:

15 “(6) SPECIAL PROVISION REGARDING LONG  
 16 TERM RESIDENTS OF THE COMMONWEALTH.—

17 “(A) CNMI-ONLY RESIDENT STATUS.—

18 Notwithstanding paragraph (1), an alien de-  
 19 scribed in subparagraph (C) may, upon the ap-  
 20 plication of the alien, be admitted as an immi-  
 21 grant to the Commonwealth subject to the fol-  
 22 lowing rules:

23 “(i) The alien shall be treated as a  
 24 permanent resident of the Commonwealth  
 25 only, including permitting entry to and exit

1 from the Commonwealth, until the earlier  
2 of the date that—

3 “(I) the alien ceases to perma-  
4 nently reside in the Commonwealth;  
5 or

6 “(II) the alien’s status is ad-  
7 justed under this section or section  
8 245 of the Immigration and Nation-  
9 ality Act (8 U.S.C. 1255) to that of  
10 an alien lawfully admitted for perma-  
11 nent residence, as defined under sec-  
12 tion 101(a)(20) of such Act (8 U.S.C.  
13 1101(a)(20)), if the alien is otherwise  
14 eligible for such an adjustment.

15 “(ii) Unless otherwise authorized, the  
16 alien shall not be permitted to travel to, or  
17 reside in, any part of the United States, as  
18 defined in section 101(a)(38) of such Act  
19 (8 U.S.C. 1101(a)(38)), other than the  
20 Commonwealth.

21 “(iii) The Secretary of Homeland Se-  
22 curity shall establish a process for such  
23 aliens to apply for CNMI-only permanent  
24 resident status during the 90-day period  
25 beginning on the first day of the sixth

1 month after the date of the enactment of  
2 this Act.

3 “(B) AUTHORITY TO WAIVE CERTAIN REG-  
4 ULATORY REQUIREMENTS.—The requirements  
5 of chapter 5 of title 5, United States Code  
6 (commonly referred to as the ‘Administrative  
7 Procedure Act’), chapter 35 of title 44, United  
8 States Code (commonly referred to as the ‘Pa-  
9 perwork Reduction Act’), or any other law re-  
10 lating to rulemaking, information collection, or  
11 publication in the Federal Register, shall not  
12 apply to any action to implement subparagraph  
13 (A) to the extent the Secretary of Homeland  
14 Security determines that compliance with any  
15 such requirement would impede the expeditious  
16 implementation of such paragraph.

17 “(C) ALIENS DESCRIBED.—An alien is de-  
18 scribed in this subparagraph if—

19 “(i) the alien is otherwise admissible  
20 to the United States under the Immigra-  
21 tion and Nationality Act (8 U.S.C. 1101 et  
22 seq.);

23 “(ii) the alien resided in the Common-  
24 wealth—

25 “(I) on November 28, 2009; and

1 “(II) on the date of the enact-  
2 ment of this Act; and

3 “(iii) the alien—

4 “(I) was born in the Northern  
5 Mariana Islands between January 1,  
6 1974, and January 9, 1978;

7 “(II) was, on May 8, 2008, a  
8 permanent resident as that term is  
9 defined in section 4303 of Title 3 of  
10 the Northern Mariana Islands Com-  
11 monwealth Code in effect on May 8,  
12 2008;

13 “(III) is the spouse or child, as  
14 defined in section 101(b)(1) of the  
15 Immigration and Nationality Act (8  
16 U.S.C. 1101(b)(1)), of an alien de-  
17 scribed in subclauses (I) or (II); or

18 “(IV) was, on May 8, 2008, an  
19 immediate relative, as that term is de-  
20 fined in section 4303 of Title 3 of the  
21 Northern Mariana Islands Common-  
22 wealth Code in effect on May 8, 2008,  
23 of a United States citizen, not with-  
24 standing the age of the United States  
25 citizen, and continues to be such an

1                   immediate relative on the date of the  
2                   application described under subpara-  
3                   graph (A).

4                   “(D) ADJUSTMENT FOR LONG TERM AND  
5                   PERMANENT RESIDENTS.—

6                   “(i) IN GENERAL.—An alien described  
7                   in clauses (I), (II), or (III) of subpara-  
8                   graph (C)(iii) may apply to receive an im-  
9                   migrant visa or to adjust his or her status  
10                  to that of an alien lawfully admitted for  
11                  permanent residence on or after January  
12                  1, 2015, and before January 1, 2016.

13                  “(ii) ALLOCATION OF IMMIGRANT  
14                  VISAS.—Upon the granting of an immi-  
15                  grant visa or approval of an application for  
16                  permanent residence to an alien under this  
17                  subparagraph, the Secretary of State shall  
18                  reduce by one the total number of diversity  
19                  immigrant visas authorized to be issued  
20                  under section 201(e) of the Immigration  
21                  and Nationality Act (8 U.S.C. 1151(e)) for  
22                  the fiscal year then current.

23                  “(iii) FEES.—With respect to applica-  
24                  tions for CNMI-only permanent resident  
25                  status, an immigrant visa or to adjust sta-

1           tus to that of an alien lawfully admitted  
2           for permanent residence submitted by an  
3           alien described in clause (iii) of subpara-  
4           graph (C), the Secretary of State and the  
5           Secretary of Homeland Security—

6                       “(I) may, in the discretion of  
7                       each such Secretary, reduce the fees  
8                       collected from the alien for CNMI-  
9                       only permanent resident status, an  
10                      immigrant visa, or an adjustment of  
11                      status; and

12                     “(II) shall, if applicable, waive  
13                     the affidavit of support requirement  
14                     under section 213A of such Act (8  
15                     U.S.C. 1183a) and subparagraphs  
16                     (B)(ii) and (C)(ii) of section  
17                     212(a)(4) of such Act (8 U.S.C.  
18                     1182(a)(4)).”.

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